

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FILED  
94 JUL 27 AM 11:05  
MICHAEL W. WILSON  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL., S.J.

Plaintiff(s),

v.

Defendants.

C - 94 - 20512 SW (PVT)  
Case No. C-

ORDER SETTING STATUS CONFERENCE

DATE:

TIME: 2:00 P.M.

IT IS HEREBY ORDERED that a status conference will be held pursuant to Fed. R. Civ. P. 16 and Local Rule 235-3 before the Honorable Patricia V. Trumbull on 11/29/94 at 2:00 p.m. in Courtroom 5, 4th Floor, United States Courthouse, 280 South First Street, San Jose, California.

Plaintiff(s) shall serve copies of this Order at once on all parties to this action, and on any parties subsequently joined, in accordance with Fed. R. Civ. P. 4 and 5. Following service, plaintiff(s) shall file a certificate of service with the Clerk of this Court.

Counsel are directed to confer in advance of the status conference with respect to all of the agenda items listed below. No less than ten days before the conference, counsel shall file, jointly if possible, a status conference statement addressing each agenda item.

The primary purpose of the status conference is to set a timetable schedule for future proceedings and explore possibilities for early settlement. The parties should be prepared to address and resolve at the status conference the following: (1) the setting the date and estimated length of the trial; (2) setting the date for the final pretrial conference; (3) setting a date for completion of discovery; and (4) setting a date by which all pretrial motions must be filed and heard.

The parties' status conference statements shall also include information on the following topics:

1 1. Does this Court have subject matter jurisdiction over all of the  
2 plaintiff's claim(s)? and defendant's counterclaim(s)? What is the  
3 basis of that jurisdiction? Do any parties remain to be served?

4 2. What are the factual and legal bases for plaintiff's claims and  
5 defendant's defenses? Defendant's counterclaims and plaintiff's  
6 defenses to the counterclaims?

7 3. What are the factual and legal issues genuinely in dispute?

8 4. What are the issues that can be narrowed by agreement or by  
9 motions? Are there dispositive or partially dispositive issues  
10 appropriate for a decision by motion?

11 5. What are the pretrial motion(s) anticipated by the parties?

12 6. What relief does the plaintiff seek? What are the amount of  
13 damages sought by plaintiff's claim(s)? What are the amount of  
14 damages sought by defendant's counterclaim(s)? How are the damages  
15 computed?

16 7. What discovery does each party intend to pursue? Can discovery  
17 be limited in any manner? Are there any alternative methods  
18 available to obtain the necessary information? Should a discovery  
19 order and conference be entered pursuant to Fed. R. Civ. P. 26(f)?

20 8. Is the case suitable for reference to binding arbitration, or  
21 to a special master, or to a United States Magistrate for trial  
22 pursuant to 28 U.S.C. § 636(C)?

23 9. Will this case be tried by a jury? What is the anticipated  
24 length of trial? Is it possible to reduce the length of the trial  
25 by stipulation, use of summaries of statements, or other expedited  
26 means of presenting evidence? Is it feasible and desirable to  
bifurcate issues for trial?

10. Are there any related cases pending before the judges of  
this Court? See Local Rules 205-2.

11. If a class action, who and when will the class(es) be  
certified?

12. When are the earliest reasonable dates for discovery cut-  
off, pretrial conference and trial?

13. What are the prospects for settlement? Does any party wish  
to have a settlement conference with another judge or magistrate?  
How can settlement efforts be assisted? See Local Rules 240-1.

14. Such other matters as any party considers conducive to the  
just, speedy and inexpensive determination of this action.

Each party shall be represented at the status conference by  
counsel prepared to address all of the above matters.

Representatives of the parties may, but are not required to attend.

DATED: 2-13-92

BY:

Patricia V. Trumbull

PATRICIA V. TRUMBULL

United States Magistrate Judge